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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/822,115 | 03/30/2001 | Roald G. van Borselen | P30564US | 9197 |

7590 02/03/2003

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EXAMINER

GUTIERREZ, ANTHONY

ART UNIT

PAPER NUMBER

2862

DATE MAILED: 02/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|------------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/822,115 | BORSELEN, ROALD G. VAN |
| Examiner | Art Unit | |
| Anthony Gutierrez | 2862 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14, 16-18 and 20 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14, 16-18 and 20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 October 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8 . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-14, 16-18, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

((b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-14, 16-18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Willhoit, Jr. (US Patent 5671136).

As to claims 1, 4, 7, 10, 13, and 20, Willhoit, Jr. discloses a method of identification of primary events in seismic data, the method comprising: sorting the data by frequency wherein at least some non-primary events are separated from primary events, wherein a frequency-sorted gather of data results and applying a coherency filter to the events, wherein coherent events are identified (col. 7, lines 18-25, col. 15, lines 10-17 and col. 18, lines 15-27); attenuating in the frequency-sorted gather amplitudes above a pre-selected base amplitude, wherein attenuated amplitudes result and replacing the attenuated amplitudes in the frequency-sorted gather with

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amplitudes corresponding to the coherent events (col. 13, lines 47-64, and col. 21, lines 30-56).

As to claims 2, 5, 8, 11, and 16, in view of the reference as applied above Willhoit, Jr. discloses a method wherein the attenuating comprises reducing amplitude (col. 13, lines 61-64) wherein muting is a step of reducing amplitude.

As to claims 3, 6, 9, 12, and 17 in view of the reference as applied above Willhoit, Jr. discloses a method wherein the attenuating comprises muting (col. 13, lines 61-64).

As to claims 14, and 18, in view of the reference as applied above Willhoit, Jr. discloses a method in which the coherency filter is applied in windows (col. 15, lines 18-22).

Conclusion

4. Any inquiry concerning this communication should be directed to Anthony Gutierrez whose telephone number is (703) 305-1973.

Any questions addressed toward a Supervisory Primary Examiner should be directed to Edward Lefkowitz whose telephone number is (703) 305-4816.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4900. The fax number is (703) 306-5515.

Anthony Gutierrez

1/24/03



EDWARD LEFKOWITZ
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